

REMARKS/ARGUMENTS

In this reply, Claims 1, 2, 4, 25, 26, 28, 49, 50, and 52 have been amended. Claims 3, 5, 6, 27, 29, 30, 51, 53, and 54 have been canceled. Hence, Claims 1, 2, 4, 7-26, 28, 31-50, 52, and 55-72 are pending in the application.

SUMMARY OF THE REJECTIONS/OBJECTIONS

The issues raised in the Office Action mailed on May 5, 2006 are summarized below.

Each of these issues is discussed hereinafter.

1. Claims 1-13, 16-19, 25-37, 40-43, 49-62, and 65-67 were rejected under 35 U.S.C. § 103(a) as being unpatentable, allegedly, over U.S. Patent No. 6,317,761 (“Landsman”) in view of U.S. Patent No. 6,553,393 (“Eilbott”) and U.S. Patent No. 6,249,844 (“Schloss”).
2. Claims 14, 15, 38, 39, 63, and 64 were rejected under 35 U.S.C. § 103(a) as being unpatentable, allegedly, over Landsman, Eilbott, and Schloss in view of U.S. Patent No. 6,606, 653 (“Ackermann”).
3. Claims 20, 44, and 68 were rejected under 35 U.S.C. § 103(a) as being unpatentable, allegedly, over Landsman, Eilbott, and Schloss in view of U.S. Patent No. 6,704, 873 (“Underwood”).
4. Claims 21-23, 45-47 and 69-71 were rejected under 35 U.S.C. § 103(a) as being unpatentable, allegedly, over Landsman, Eilbott, and Schloss in view of U.S. Patent No. 6,499, 042 (“Markus”).

5. Claims 24, 48, and 72 were rejected under 35 U.S.C. § 103(a) as being unpatentable, allegedly, over Landsman, Eilbott, and Schloss in view of U.S. Patent No. 5,991, 810 (“Shapiro”).

THE REJECTIONS BASED ON THE PRIOR ART

A. REJECTION OF CLAIMS 1-13, 16-19, 25-37, 40-43, 49-62, AND 65-67 UNDER 35 U.S.C. §103(a).

Claims 1-13, 16-19, 25-37, 40-43, 49-62, and 65-67 were rejected under 35 U.S.C. § 103(a) as being unpatentable, allegedly over Landsman in view of Eilbott and Schloss. Claims 3, 5, 6, 27, 29, 30, 51, 53, and 54 have been canceled, thereby obviating the rejections of those claims. It is respectfully submitted that Claims 1, 2, 4, 7-13, 16-19, 25, 26, 28, 31-37, 40-43, 49, 50, 52, 55-62, and 65-67 are patentable for at least the reasons provided hereinafter.

As amended, Claim 1 recites “wherein, when said porthole engine responds to said initial request, **said porthole engine has not yet obtained any copy of said requested content from said origin server.**”

In col. 4, lines 58-62, Schloss describes how a proxy server (which the Office Action apparently analogizes to the “porthole engine” of Claim 1) can interpret markup language that describes an object fragment, and then generate “an appropriate version” for a client. The Office Action apparently interprets this “generation” by the proxy server as being analogous to the generation of data by the porthole engine of Claim 1.

However, Claim 1 requires that when the porthole engine responds to the client’s initial request for content, the porthole engine has not yet obtained any copy of the client-requested content from the origin server. In order for Schloss’ proxy server to generate a version of an

object fragment to return to a requester, the proxy server must first obtain a fragment description from a fragment description table (FIG. 11, steps 1120-1135; col. 8, lines 16-33). Fragment descriptions are generated by an object parser (FIG. 7, step 725).

In col. 6, lines 31-41, Schloss describes how, before the object parser generates fragment descriptions from an object in step 725, the proxy server first **forwards a request for an object to the content server** in step 715, and waits to receive the object in step 720. The proxy server **can't** generate fragment descriptions from the requested object **until the proxy server has actually requested the object and received the object from the content server** that maintains the object. Even in the event that the object has been cached at the proxy server, the fact that the object has been cached at the proxy server is evidence that the object has **already been requested** from the content server; the proxy server could not have cached the object until the proxy server had **received the object from the content server**.

Therefore, by the time that Schloss' proxy server generates a version of an object fragment to be returned to a requester, the object of which the fragment is a part necessarily has **already been obtained** from a content server (which the Office Action apparently analogizes to the "origin server" of Claim 1). Schloss' proxy server does **not** send the generated fragment to the client until **after** the object has been obtained from the content server at least once. Consequently, Schloss does not disclose, teach, or suggest "wherein, when said porthole engine responds to said initial request, **said porthole engine has not yet obtained any copy of said requested content from said origin server**" as recited in Claim 1.

Neither Landsman, Eilbott, nor Schloss teaches, discloses, or suggests "wherein, when said porthole engine responds to said initial request, **said porthole engine has not yet**

obtained any copy of said requested content from said origin server” as recited in Claim 1.

Indeed, the Office Action does not even allege that any of these references discloses this aspect of Claim 1. In order for a *prima facie* case of obviousness to be established under 35 U.S.C. 103, the combined references must, at least when considered in combination, teach or suggest all of the limitations of the claims that are alleged to be obvious. Even assuming, *arguendo*, that Landsman, Eilbott, and Schloss could be combined, Landsman, Eilbott, and Schloss still do not teach, disclose, or suggest all of the limitations of Claim 1. Therefore, Claim 1 is patentable over Landsman, Eilbott, and Schloss, taken individually or in combination.

Claims 2, 4, 7-13, and 16-19 depend from Claim 1 and therefore include all of the distinguished limitations of Claim 1. Therefore, Claims 2, 4, 7-13, and 16-19 are patentable over Landsman, Eilbott, and Schloss for at least the reasons given above with reference to Claim 1.

Claim 25 is a “computer readable medium” version of Claim 1. Claim 49 is a system claim with limitations similar to those described above with reference to Claim 1. Except for Claims 73 and 74, the remaining pending claims depend, directly or indirectly, on Claims 1, 25 or 49. Therefore, these claims are patentable over Landsman, Eilbott, and Schloss, taken individually or in combination, for the reasons given above with respect to Claim 1.

B. REJECTION OF CLAIMS 14, 15, 38, 39, 63, AND 64 UNDER 35 U.S.C. § 103(a)

Claims 14, 15, 38, 39, 63, and 64 were rejected under 35 U.S.C. § 103(a) as being unpatentable, allegedly, over Landsman, Eilbott, and Schloss in view of Ackermann.

By virtue of their dependence from Claim 1, Claims 14 and 15 include all of the limitations recited in Claim 1. As is explained above, Landsman, Eilbott, and Schloss, taken individually or in combination, fail to disclose, teach, or suggest at least one limitation required by Claim 1. Ackermann also fails to disclose, teach, or suggest this limitation; the Office Action does not even allege that Ackermann discloses, teaches, or suggests this limitation. Thus, Claims 14 and 15 are patentable over Landsman, Eilbott, Schloss, and Ackerman, taken alone or in combination.

Claims 38, 39, 63, and 64 include similar limitations to Claims 14 and 15, except Claims 38 and 39 refer to a computer-readable medium, and Claims 63 and 64 refer to a system. Therefore, Claims 38, 39, 63, and 64 are patentable over Landsman, Eilbott, Schloss, and Ackermann for at least the reasons provided herein with respect to Claims 14 and 15.

C. REJECTION OF CLAIM 20, 44 AND 68 UNDER 35 U.S.C. § 103(a)

Claims 20, 44 and 68 and were rejected under 35 U.S.C. § 103(a) as being unpatentable, allegedly, over Landsman, Eilbott, and Schloss in view of Underwood. By virtue of its dependence from Claim 1, Claim 20 includes all the limitations recited in Claim 1. As set forth herein with respect to Claim 1, Landsman, Eilbott, and Schloss, taken either alone or in combination, fail to disclose, teach, or suggest at least one limitation required by Claim 1. The Office Action does not even allege that Underwood discloses, teaches, or suggests this missing limitation. Thus, Claim 20 is patentable over Landsman, Eilbott, Schloss, and Underwood, taken individually or in combination.

Claims 44 and 68 recite similar limitations to Claim 20, except Claim 44 relates to a computer-readable medium and Claim 68 relates to a system. Therefore, Claims 44 and 68 are also patentable over Landsman, Eilbott, Schloss, and Underwood, taken individually or in combination.

D. REJECTION OF CLAIMS 21-23, 45-47 AND 69-71 UNDER 35 U.S.C. § 103(a)

Claims 21-23 were rejected under 35 U.S.C. § 103(a) as being unpatentable, allegedly, over Landsman, Eilbott, and Schloss in view of Markus. Claims 21-23 depend from Claim 1 and include all the limitations recited in Claim 1. As set forth herein with respect to Claim 1, Landsman, Eilbott, and Schloss, taken either alone or in combination, fail to disclose, teach, or suggest at least one limitation required by Claim 1. The Office Action does not even allege that Markus discloses, teaches, or suggests this missing limitation. Therefore, a combination of Markus with Schloss, Eilbott, and Landsman cannot provide all features or steps recited in Claims 21-23.

Claims 45-47 and 69-71 include similar limitations to Claims 21-23, except that Claims 45-47 refer to a computer-readable medium, and Claims 69-71 refer to a system. Therefore, Claims 45-47 and 69-71 are patentable over Landsman, Eilbott, Schloss, and Markus for at least the reasons provided herein with respect to Claims 21-23.

E. REJECTION OF CLAIMS 24, 48 AND 72 UNDER 35 U.S.C. § 103(a)

Claim 24 was rejected under 35 U.S.C. § 103(a) as being unpatentable, allegedly, over Landsman, Eilbott, and Schloss in view of Shapiro. Claim 24 depends from Claim 1 and

includes all the limitations recited in Claim 1. As set forth herein with respect to Claim 1, Landsman, Eilbott, and Schloss, taken either alone or in combination, fail to disclose, teach, or suggest at least one limitation required by Claim 1. The Office Action does not even allege that Shapiro discloses, teaches, or suggests this missing limitation. Therefore, a combination of Shapiro with Schloss, Eilbott, and Landsman cannot provide all features or steps recited in Claims 21-23.

Claims 28 and 72 recite similar limitation to Claim 24, except that Claim 28 refers to a computer-readable medium, and Claim 72 refers to a system. Therefore, Claims 28 and 72 are patentable over Landsman, Eilbott, Schloss, and Shapiro for at least the reason provided herein with respect to Claim 24.

F. REMAINING CLAIMS

The remaining pending claims not discussed so far are dependent claims that depend on an independent claim discussed above. Because each of the dependent claims includes the limitations of the claims upon which they depend, the dependent claims are patentable for at least those reasons given above for the independent claims. Removal of the rejections with respect to the dependent claims and allowance of the dependent claims is respectfully requested. In addition, the dependent claims introduce additional limitations that independently render them patentable. However, due to the fundamental differences already identified for the independent claim, a separate discussion of those limitations is not included at this time.

III. CONCLUSIONS & MISCELLANEOUS

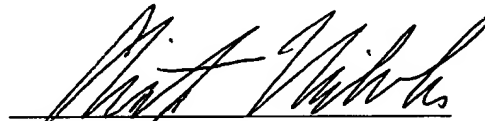
For the reasons set forth above, it is respectfully submitted that all of the pending claims are in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

The Examiner is invited to contact the undersigned by telephone if such contact would further the examination of the present application.

If any applicable fee is missing or insufficient, throughout the pendency of this application, the Commissioner is hereby authorized to any applicable fees and to credit any overpayments to our Deposit Account No. 50-1302.

Respectfully submitted,

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